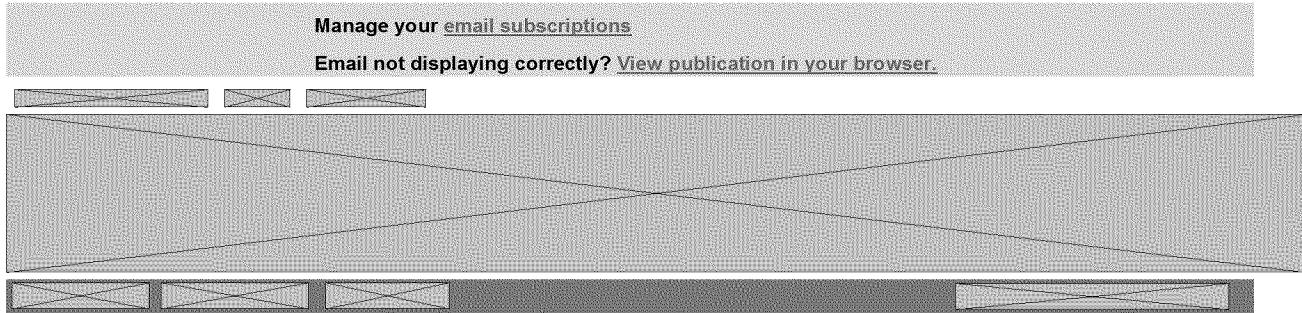


To: Fitz-James, Schatzi[Fitz-James.Schatzi@epa.gov]
From: BNA Highlights
Sent: Wed 5/21/2014 8:09:34 PM
Subject: May 21 -- BNA, Inc. Daily Environment Report - Latest Developments



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Latest Developments -- Your Preview of the Day's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Moniz Says Boost in Energy Efficiency Needed to Address Warming

Posted May 21, 2014, 3:22 P.M. ET

By [Ari Natter](#)

An effective climate change program must include an “enormous contribution” from energy efficiency, Energy Secretary Ernest Moniz said May 21 as the Obama administration moves forward with administrative actions to promote energy conservation.

“I cannot see a credible resolution of our climate change challenges without an enormous contribution from the [energy] demand side of the equation,” Moniz said. “I just don’t think we can get there on the supply side of equation alone. That will be important, but I think the efficiency side is what is going to have really drive our strong response.”

Moniz’s remarks at a forum held by the nonprofit Alliance to Save Energy came on the heels of the National Climate Assessment, which the administration said served as an “alarm bell” for urgent action to address climate change.

The Environmental Protection Agency is moving forward with new rules on carbon dioxide emissions from new and existing fossil-fired power plants that could require the use of energy efficiency measures for compliance.

Base Transatlantic Pact on Risks, Not Just Hazards, Croplife Says

Posted May 21, 2014, 3:44 P.M. ET

By [Pat Rizzuto](#)

U.S. and European officials negotiating the Transatlantic Trade and Investment Partnership agreement must ensure regulations on both sides of the Atlantic are based on risks products pose, not just hazards they might cause, a senior trade adviser for CropLife America said May 21.

If pesticides were regulated solely on their hazards, the benefits they pose by killing poisonous plants, for example, would be eliminated. There is no reason to eliminate a risk-based approach to regulations, Douglas Nelson, senior Daily Environment Report

adviser for trade, intellectual property and strategic issues for CropLife America, said. He spoke during a stakeholder presentation session held at the 5th round of the TTIP negotiations, which continue through May 23.

The European Union's approach to regulating pesticides, called biocides in Europe, violates the World Trade Organization's agreement on Sanitary and Phytosanitary measures, Nelson said.

Under that agreement, regulations that countries adopt to protect the public's health must be based on an appropriate assessment of the actual risks involved.

The European regulation on plant protection products, (EC) No 1107/2009, violates that WTO agreement, Nelson said.

Sixth Circuit Upholds NEPA Review of Cellulosic Ethanol Plant

Posted May 21, 2014, 3:51 P.M. ET

By Andrew Childers

The Energy Department conducted an adequate environmental review of a cellulosic ethanol plant proposed to be built in northern Michigan, a federal appeals court ruled in a May 21 opinion (*Klein v. EPA*, 6th Cir., No. 13-1165, 5/21/14).

Although the U.S. Court of Appeals for the Sixth Circuit reaffirmed the finding that the Energy Department's National Environmental Policy Act review of the proposed facility was satisfactory, the judges did overturn a lower court's decision to initially dismiss the challenge on standing grounds. That decision provides needed clarity on standing rules to challenge decisions made under the National Environmental Policy Act, an attorney representing the Sierra Club said.

The Sierra Club and a local resident had challenged the Energy Department's decision to provide a \$100 million grant to Frontier Renewable Resources LLC to build a 20 million-gallon-a-year cellulosic ethanol production facility in Kinross, Mich. The grant represents approximately one-third of the facility's construction costs. The petitioners had argued that the environmental review of the proposed facility was inadequate, but a judge for the U.S. District Court for the Western District of Michigan dismissed their lawsuit on standing grounds (*Klein v. Energy Department*, W.D. Mich., No.11-cv-00514, 12/11/12).

Automotive, Industry Groups Meet With OMB Over Waste Rule

Posted May 21, 2014, 2:13 P.M. ET

By Anthony Adragna

Several major auto manufacturers, industry groups and a publicly traded mining company joined a chorus of other groups expressing concerns that revisions to a Bush-era waste regulation from the Environmental Protection Agency could discourage the reuse of secondary materials and exceed the agency's statutory authority.

Chrysler Group LLC, Ford Motor Co., General Motors Co., the U.S. Chamber of Commerce and the American Fuel and Petrochemical Manufacturers met with the White House Office of Management and Budget on the EPA's definition of solid waste rule, according to meeting records posted the week of May 19. They participated as part of a broader group of industry interests and companies known as the Federal Recycling and Remediation Coalition.

Freeport-McMoRan Copper & Gold Inc., a large mining company, met separately with OMB to raise concerns about the revisions.

The groups join representatives of mining, chemical, petroleum and other companies to meet with OMB about the revisions.

EPA estimates predict the revisions would affect 6,500 to 9,100 industrial facilities and impose costs ranging from \$7.2 million to \$47.5 million annually, depending on state adoption.

Waxman Says Permitting Bill Would Weaken Air Quality Protections

Posted May 21, 2014, 2:08 P.M. ET

By Patrick Ambrosio

Draft legislation intended to expedite the approval of pre-construction permits issued under the Clean Air Act contains provisions that would weaken air quality protections by allowing facilities to obtain permits under outdated national ambient air quality standards, according to Rep. Henry Waxman (D-Calif.)

Waxman, speaking at a May 21 hearing of the House Energy and Commerce Subcommittee on Energy and Power, said the bill would create a “loophole” under the Clean Air Act by allowing a facility to obtain a pre-construction permit by measuring its emissions against an outdated standard. Waxman said that the legislation, known as the Promoting New Manufacturing Act, also would likely slow down the permitting process because it would establish new reporting requirements that would divert EPA and state resources away from the actual processing of permit requests.

The draft legislation, which has not yet been introduced, would require the EPA to concurrently publish implementing regulations and guidance alongside the publication of any final new or revised national ambient air quality standards.

Representatives from the American Chemistry Council, National Association of Manufacturers and Small Business and Entrepreneurship Council said during the hearing that the current permitting process typically involves lengthy delays, creating uncertainty for planning construction.

House Appropriations Committee Approves Transport Spending Bill

Posted May 21, 2014, 2:33 P.M. ET

The House Appropriations Committee approved on a 28-21 vote May 21 a federal transportation and housing bill that would increase Pipeline and Hazardous Materials Safety Administration funding by nearly \$20 million, largely along party lines.

The bill would allocate \$205.2 million to PHMSA in fiscal 2015, which would be a \$19.4 million increase compared with fiscal 2014 enacted levels. The entire Transportation and Housing and Urban Development bill would be funded at \$52 billion, \$1.2 billion above 2014 enacted levels.

A manager's amendment, which Rep. Tom Latham (R-Iowa) said makes technical corrections and clarifies the intent behind certain portions of the bill, was one of three amendments to clear the committee. The amendment designates \$10 million in additional funding for rail safety improvements on routes transporting energy products, pulled from certain unspent Federal Railroad Administration funds.

Latham also committed to working with Rep. Nita Lowey (D-N.Y.) to find additional funding for positive train control systems on railroads.

The Transportation and Housing and Urban Development bill now moves to the House floor. An appropriations committee spokeswoman told Bloomberg BNA she did not know when a floor vote is expected.

ECHA Official Expects 70,000 REACH Dossiers for 2018 Deadline

Posted May 21, 2014, 3:27 P.M. ET

By Stephen Gardner

The final REACH substance registration deadline in 2018 could see dossiers submitted for seven or eight times as many chemicals as the two previous deadlines, the European Chemicals Agency said May 21.

Javier Sanchez of the ECHA Registration Directorate said that “the numbers are much bigger than previous deadlines,” and that ECHA expected about 70,000 registration dossiers to be submitted for about 25,000 substances in 2018. Sanchez was speaking at the ECHA Ninth Stakeholders’ Day conference, in Helsinki, Finland.

Under REACH (Regulation No. 1907/2006 on the registration, evaluation and authorization of chemicals), companies that sell chemicals in the European Union are required to submit to ECHA registration dossiers containing information on the properties and safe use of substances.

For substances in the 1-100 metric ton range, the registration deadline is May 31, 2018. The deadlines for larger

quantities had passed in 2010 and 2013. Companies that do not register their substances by the relevant deadline cannot legally sell those substances in the EU.

Sanchez said about 20,000 dossiers and 3,400 substances were submitted in 2010, and 9,000 dossiers and 3,000 substances in 2013, making the 2018 deadline potentially much more complex, with predictions of 70,000 dossiers and 25,000 substances.

Ammonium Nitrate Hazards May Slip Through Gaps in Rules, GAO Says

Posted May 21, 2014, 3:49 P.M. ET

By Robert Iafolla

Gaps in the multi-agency regulation of the explosive chemical ammonium nitrate may allow dangerous facilities to operate and poor emergency planning to persist, the Government Accountability Office reported May 21.

The GAO report highlighted the holes in the system for tracking facilities with ammonium nitrate, lack of data-sharing among oversight agencies and regulations that are outdated and ineffective.

The report comes as the Obama administration's chemical safety working group, which was established in response to the April 2013 explosion at a Texas fertilizer facility, prepares its status report for the president detailing proposed reforms. The working group—led by the Environmental Protection Agency, the Occupational Safety and Health Administration and the Department of Homeland Security—had said it will present the report in May.

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